IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Crl.Rev.Pet.No. 2511 of 2007()

CRA.290/2007 of SESSIONS COURT, KOZHIKOE
MC.135/2006 of SPECIAL JUDICIAL MAGISTRATE COURT (MARAD CASES), KOZHIKODE

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REVN. PETITIONER: PETITIONER/APPELLANT/SURETY.

ADUKKATHUMMAL GEETHA, AGED 44 YEARS,
W/O.LATE VELAYUDHAN,MADAVOOR AMSOM, DESOM,
KOZHIKODE TALUK.

BY ADV. SMT.T.KAMALA MENON

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. 2511 of 2007

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Dated, this the 24th day of July 2007

ORDER

Revision Petitioner, a lady, was one of the sureties to the accused in C.C. 483 of 2006 on the file of Special Judicial Magistrate of First Class (Marad Cases) Kozhikode for offences punishable under Sections 457, 380 and 461 I.P.C. The bond amount was Rs. 10,000/-. On account of the non-appearance of the accused, proceedings were initiated against the petitioner and the other surety as M.C. 135 of 2006. Since the accused in C.C. 483 of 2006 had absconded to Tirunelveli in Tamil Nadu the petitioner was unable to produce the accused before the Court. No doubt, failure to produce the accused is a culpable default the punishment for which is be forfeiture of the bond amount. The trial court imposed penalty of Rs. 6,000/-. On appeal preferred by the petitioner as Crl. Appeal 290 of 2007, the same was dismissed. It is the said orders which are assailed in this revision.

2. I heard the learned counsel for the revision petitioner and the learned Public Prosecutor.

3. In as much as the petitioner was unable to produce the accused in C.C. 483 of 2006 and also since the bond to which is petitioner stood as one of the sureties, was one for

appearance, upon breach of the condition imposed on the revision petitioner to produce the accused, she had incurred the liability of forfeiture. Going by the terms of the bond, on breach of the condition she had agreed to forfeit to the Government the entire bond amount. Even though the courts below were indulgent enough to impose the penalty of Rs. 6,000/- only, having regard to the financial condition of the revision petitioner and the inability of the police to apprehend the absconding accused in C.C. 483 of 2006, I am of the view that the petitioner deserves some leniency. Accordingly, the penalty of Rs. 6,000/- is reduced to Rs. 2,000/-. The petitioner shall pay the penalty of Rs. 2,000/- within one month failing which she shall undergo imprisonment in civil jail for a period of two months in case the penalty is found to be irrecoverable.

This Revision is disposed of as above.

V. RAMKUMAR, JUDGE

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